

Appln No. 09/931,575
Amdt date January 30, 2008
Reply to Office action of October 30, 2007

REMARKS/ARGUMENTS

Claims 1-27 were pending in this application when last examined by the Examiner. Claims 1, 6-8, 12-15, 17, 19, 22, 25, and 27 have been amended. Claims 28-32 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. The amendments are being submitted with a Request for Continued Examination. Therefore, entry of the amendments is proper. In view of the above amendments and remarks that follow, reconsideration and an early indication of allowance of the now pending claims 1-32 are respectfully requested.

Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 27 has now been amended to recite "a server in communication with the plurality of different types local devices over a data communications network, the server system including a processor and a memory operably coupled to the processor and having program instructions stored therein, the processor being operable to execute the program instructions, the program instructions including: . . . " Applicant submits that this is clearly statutory subject matter and requests withdrawal of the rejection under 35 U.S.C. 101. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph is also requested.

Claims 1-3, 6, 8, 10-14, 17-19, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (Publication Number US 2001/0001160) in view of Grube (U.S. Patent No. 6,026,366). Claims 4, 5, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Stewart et al. (U.S. Patent No. 6,414,635). Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Barton et al. (U.S. Patent No. 6,233,389) and further in view of Official Notice. Claims 15, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Barton et al. and further in view of Official Notice. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Official Notice. Claim 23 is rejected under U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Lobb et al. (U.S. Patent No.

Appln No. 09/931,575
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6,699,127). Claim 24 is rejected under U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Lobb et al. and further in view of Camut. Applicant respectfully traverses these rejections.

Neither Shoff nor Grube is directed to connecting different local devices, such as PCs, set-top boxes, net-top devices, and wireless devices under a centralized system to provide interactive content to such varying local devices via the centralized system. As described in Applicant's Background, the prior art interactive television market lacks standard hardware and software, resulting in products of several companies operating on separate systems. (Specification p. 1, lines 10-13). Thus, each cable headend, satellite broadcast system, etc. uses its own hardware and software within the system. Nothing in Shoff nor Grube indicates that they are deviating from the prior art to provide a mechanism that allows different such systems to act as one cohesive system.

Turning now to the claims, claim 1, as amended, recites "transmitting interactive content from a server system to a plurality of different types of local devices over a data communications network, the content related to the broadcast video program, each of the plurality of local devices storing the transmitted interactive content in a local data store coupled to the local device." Although Shoff discloses one embodiment where a set top box receives supplemental content (see, par. 29, FIG. 2) and another embodiment where a computer receives the supplemental content (see, par. 46, FIG. 4), nothing in Shoff teaches or suggests that these two embodiments are to be combined into a single system for "transmitting interactive content from a server system to a plurality of different types of local devices over a data communications network." Furthermore, the disclosure in Shoff of the CD-ROM that the Examiner relies on to reject claim 1 does not store "interactive content" transmitted by a "server system."

Claim 1 also recites "identifying by the server system the different types of local devices receiving the transmitted interactive content that are to provide interactivity with the interactive content; selecting by the server system a plurality of different base software programs for the identified types of local devices; [and] transmitting by the server system over a data communications network a corresponding one of the plurality of selected base software programs

to each of the plurality of different types of local devices based on the identified type." Claim 1 further recites that "during the broadcast of the video program, the server system transmitting to the plurality of different types of local devices over the data communications network one or more messages to command the local devices to retrieve the content identified by the one or more messages from the local data stores to display the identified content on the different types of local devices, wherein each of the plurality of selected base software programs receives and interprets the one or more messages from the server system and displays the interactive content in accordance with requirements associated with the type of local device." (Emphasis added).

Shoff fails to teach or suggest these limitations. For one, Shoff does not disclose the claimed "during the broadcast of the video program, the server system transmitting to the plurality of different types of local devices over the data communications network one or more messages to command the local devices to retrieve the content identified by the one or more messages from the local data stores to display the identified content on the different types of local devices." Instead, in Shoff's system, it is the viewer computing unit that identifies a target specification to start a target resource containing the supplemental content for enhancing a television program. (See, par. 0059).

Furthermore, although Grube discloses a method for providing software to a remote computer, Grube fails to teach or disclose the "base software" that "receives and interprets the one or more messages from the server system and displays the interactive content in accordance with requirements associated with the type of local device." Grube makes no mention of specific software that is to be provided except that it is software that "compliments the software applications presently contained within the remote computer." (See, Abstract). In fact, because Shoff is not aimed in transmitting interactive content to different types of local devices and messages to command these local devices to retrieve and display the content, even despite Grube's teachings, a person of skill in the art would have no reason to provide to Shoff's viewer computing units the claimed "base software."

The Examiner contends that it would have been obvious to modify Shoff based on the teachings of Grube to "ensure that the broadcasted content is displayed to the users properly and

Appln No. 09/931,575
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to ensure that the content is only sent to actual paid subscribers." Nothing in Shoff nor Grube teaches or suggests that modifying Shoff's viewer computing units with the software taught in Grube that "compliments the software applications presently contained within" the viewer computing units would achieve this result. Accordingly, claim 1 is now in condition for allowance.

Claims 2-26 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Specifically with respect to claims 7 and 9, the Examiner takes Official Notice that it is "old and well known to store transmitted interactive content in different types of devices." In doing so, the Examiner gives the example of storing an interactive game stored in a person's email account accessible via a desktop computer or a cell phone. Applicant respectfully disagrees that in this example, the interactive game is stored in "each of the local data stores coupled to the different types a local data stores coupled to the different types of local devices." Instead, the game is stored at a central server and simply accessed by the different devices over, for example, an Internet browser. Thus, Applicant respectfully disagrees that it is well known to store the interactive content "in each of the local data stores coupled to the different types of local devices" where this interactive content is transmitted by the claimed "server system" which then also transmits the claimed "one or more messages to command the local devices to retrieve the content identified by the one or more messages from the local data stores to display the identified content on the different types of local devices." Accordingly, Applicant requests evidence support the assertion that the claim limitations of claims 7 and 9 are "well known."

With respect to claim 23, the Examiner contends that it would have been obvious to modify Shoff as taught by Lobb to "customiz[e] the display layout based on the user selection." However, the supplemental content provided by Shoff already comes with embedded layout instructions in the form of HTML tags. (See, Abstract; par. 0087). Accordingly, the manner of customizing display taught by Lobb would not work to customize the layout of Shoff's supplemental content.

Appln No. 09/931,575
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With respect to claim 24, because Shoff is not aimed in transmitting interactive content to different types of local devices and messages to command these local devices to retrieve and display the content, there is no reason to "limit" the "display options . . . based on the local device identified by the server system."

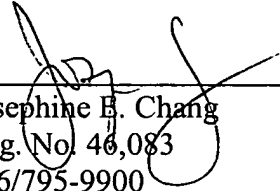
With respect to claim 26, this claim adds the limitation that "the interactive content is identified by the server system independent of identifying information from the local devices." In contrast, in Shoff's system, it is the viewer computing unit that identifies a target specification to start a target resource containing the supplemental content. (See, par. 0059).

Claim 27 includes limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claim 27 is in condition for allowance.

Claims 28-32 are new in this application. These claims are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now-pending claims 1-32 are respectfully requested.

Respectfully submitted,
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